FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5859 OF 2005

Office notes, office Memoranda of appearances, Court's orders or directions & Registrar's orders.	: Coram, : : : :	Court's or Judge's Orders .

Mr. V. M. Thorat for petitioners

Mr. P.P. Patil for R-5 & 6
Mr. Hanif Solkar, AGP

CORAM: SMT. RANJANA DESAI, J.
26/9/2005

P.C.:-

In this writ petition the petitioner has challenged order dated 30/1/04 passed by the District Judge, Raigad Alibag whereby Regular Civil Suit No. 14/03 pending on the file of Civil Judge, Junior Division, Karjat and Special Civil Suit No. 41/03 pending on the file of Civil Judge, Senior Division, Panvel are withdrawn and transferred to the file of Civil Judge, Senior Division, Alibag.

2. It appears that this order was

passed on the application made by respondents 5 and 6. To that application respondent 1 filed a reply stating that Civil Judge Senior Divison Panvel is favouring the applicants. After considering the application and the reply the learned Judge has passed an order and transferred the suit to Civil Judge, Senior Division, Alibag.

3. The learned counsel for the petitioners states that the Civil Judge, Senior Divison Panvel is now transferred and hence the application may be reconsidered.

4. In my opinion order passed by the District Judge under Section 24 of the Civil Procedure Code does not merit any interference at this stage because the District Judge must have passed the order after considering all aspects of the matter. However, if there is any change in the circumstances as alleged; the petitioners may make a fresh application before the District Judge,

Raigad and serve a copy thereof on the respondent and the District Judge will pass appropriate order thereon after hearing the parties as expeditiously as possible and at any rate within three months from the date of filing of the application. Mr. Thorat says that the petitioner will file the application by 5/10/05.

5. The petitioners shall communicate this order to the respondents. I may clarify that on the question of transfer I have not excpressed any opinion and the District Judge shall pass such order as he deems fit independently in accordance with law after hearing the parties, if any fresh application is made before him.

6. Petition is disposed of in the aforestated terms. Interim order shall continue for three months. Needless to say that, if the application is disposed of earlier, it shall stand vacated on that day.

MSS

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